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Supreme Court, U.S.
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No. 91-1131

IN THE

Supreme Court of the United States

OCTOBER TERM, 1991

WINTERTHUR REINSURANCE CORP. OF AMERICA,

Petitioner,

v.

STATE OF CALIFORNIA, et al.,

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

RESPONSE IN SUPPORT OF PETITION FOR A WRIT OF CERTIORARI

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(For Further Appearances See Reverse Side of Cover)

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STATEMENT PURSUANT TO RULE 29.1

Merrett Underwriting Agency Management Limited is wholly owned by Merrett Holdings PLC.

Three Quays Underwriting Management Limited is wholly owned by Cater Allen Holdings PLC.

Edwards & Payne (Underwriting Agencies) Limited is wholly owned by Sturge Group PLC.

No other of these respondents has any parent or subsidiary corporations within the meaning of Rule 29.1 of the Rules of the Supreme Court of the United States.

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Respondents Merrett Underwriting Agency Management Limited, Robin A.G. Jackson, Three Quays Underwriting Management Limited, Janson Green Management Limited, Edwards & Payne (Underwriting Agencies) Limited, C.J.W. (Underwriting Agencies) Limited, Lambert Brothers (Underwriting Agencies) Limited, and R.K. Carvill & Co., Ltd., respectfully submit this response in support of the *Petition for a Writ of Certiorari* in No. 91-1131, arising out of the decision of the United States Court of Appeals for the Ninth Circuit in *In re Insurance Antitrust Litigation*.

Although they are automatically deemed respondents here, these respondents, apart from the fact that they are English, are identically situated to the petitioners in No. 91-1131. These respondents are reinsurers or reinsurance brokers that, like petitioner, are accused of having conspired to restrict the terms on

which reinsurance would be offered to insurance companies and to refuse to provide reinsurance coverage unless ISO amended its proposed policy forms for primary comprehensive general liability ("CGL") insurance.[1] Like petitioner, respondents are sued for conduct in markets in which plaintiffs did not participate.

These respondents thus stand in exactly the same position vis-a-vis plaintiffs as does petitioner, and all petitioner's arguments on plaintiffs' antitrust standing are shared by these respondents. Respondents therefore support the petition for a writ of certiorari and adopt all of the arguments made therein.

[1] Some of the foreign defendants in the counts at issue in No. 91-1131 are also named in three different and discrete counts that are concerned entirely with foreign actors and conduct. Those counts allege that London market brokers and underwriters agreed on terms and conditions of reinsurance and retrocessional reinsurance they would provide for American risks. The district court dismissed those three counts, finding that to exercise antitrust jurisdiction over them would violate principles of international law and comity. In No.91-1128, the defendants in those counts have petitioned this Court for a writ of certiorari to review the Ninth Circuit's reversal of the district court's comity ruling.

CONCLUSION

The petitioner for a writ of certiorari should be granted.

Respectfully submitted,

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